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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/646,339	08/22/2003	Jean-Marc Hering	944-003.162	8335
4955	7590	12/17/2004	EXAMINER	
WARE FRESSOLA VAN DER SLUYS & ADOLPHSON, LLP BRADFORD GREEN BUILDING 5 755 MAIN STREET, P O BOX 224 MONROE, CT 06468			LEE, JINHEE J	
		ART UNIT		PAPER NUMBER
		2831		

DATE MAILED: 12/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

10a

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/646,339	HERING, JEAN-MARC	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jinhee J Lee	2831	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-15 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_ is/are allowed.  
 6) Claim(s) 1-15 is/are rejected.  
 7) Claim(s) \_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. ____.  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>1103</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: ____.                                    |

## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to because of the following informalities:

At page 3 line 20 and page 4 line 25 (according to the numbering on the left), “juxtapositioned the” is grammatically incorrect. Examiner suggests, “juxtapositioned with the” instead to correct a grammatical error.

At page 5 line 15-16, “juxtaposed the” is grammatically incorrect. Examiner suggests “juxtaposed with the” instead to correct a grammatical error.

Appropriate correction is required.

### ***Claim Objections***

2. Claims 1, 2, 4, 6, 9, 11, 12 and 13 are objected to because of the following informalities:

Claim 1 line 1, the phrase “Electrical apparatus of the type having” has an error. Examiner suggests, “An electrical apparatus having” instead to correct the error.

Claim 1 line 2, the phrase “the transformer output” has an error. Examiner suggests “a transformer output” instead to avoid insufficient antecedent rejection.

Claim 1 line 2-3, the phrase “the improvement characterized by” has an error. Examiner suggests, “an improvement characterized by” instead to correct the error.

Claim 1 line 4, the phrase “the inner surface” has an error. Examiner suggests “an inner surface” instead to avoid insufficient antecedent rejection.

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Claim 2 line 5, the phrase "cover juxtapositioned the" has grammatical error.

Examiner suggests "cover is juxtapositioned with the" instead to correct the grammatical error.

Claim 4 line 3, the phrase "surface through which closeable opening" has errors.

Examiner suggests, "surface, the closeable opening through which" instead to correct the errors.

Claim 6 line 3, the phrase "the transformer input" has an error. Examiner suggests "a transformer input" instead to avoid insufficient antecedent rejection.

Claim 9 line 1, the phrase "in the said" has an error. Examiner suggests, "in that said" instead to correct the error.

Claim 11 line 10, the phrase "the inner surface" has an error. Examiner suggests "an inner surface" instead to avoid insufficient antecedent rejection.

Claim 11 line 14, the phrase "juxtapositioned the" has grammatical error.

Examiner suggests "juxtapositioned with the" instead to correct the grammatical error.

Claim 12 line 1, the phrase "apparatus of the type having" has an error.

Examiner suggests, "apparatus having" instead to correct the error.

Claim 12 line 2, the phrase "the transformer output" has an error. Examiner suggests "a transformer output" instead to avoid insufficient antecedent rejection.

Claim 12 line 2-3, the phrase "an electrical device with which the electrical device is used" has an error. Examiner suggests "an electrical device with which the electrical apparatus is used" instead to clarify.

Claim 12 line 7, the phrase "the inner surface" has an error. Examiner suggests "an inner surface" instead to avoid insufficient antecedent rejection.

Claim 13 line 2, the phrase "a cover" has an error. Examiner suggests "the cover" instead to avoid insufficient antecedent rejection.

Claim 13 line 6, the phrase "juxtaposed the" has grammatical error. Examiner suggests "juxtaposed with the" instead to correct the grammatical error.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless —

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 6-10 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Martensson (US005923147A).

Re claim 1, Martensson discloses an electrical apparatus having a transformer carried in a housing and an electrical cable for coupling a transformer output to an electrical device, an improvement characterized by

a cover (16b) located on an outer surface (unnumbered, surface where the portion of the transformer is housed within the portion of casing 2) of the transformer housing (see column 3 lines 26-28 according to the numbering in the middle) and

an interior cavity (unnumbered, holding the circular drum 30) defined between an inner surface of the cover and the transformer housing outer surface for retractably

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housing the electrical cable within said interior cavity when the electrical apparatus is not in use, and such that, when in use, a desired length of the electrical cable is withdrawn from said interior cavity for connection to the electrical device (see figures 3 and 5).

Re claim 6, Martensson discloses an electrical apparatus with an electrical plug (5a, 5b) integral with the housing (portion of casing 2) for coupling a source of commercial electrical power to a transformer input (see figure 1).

Re claim 7, Martensson discloses an electrical apparatus wherein the apparatus is a charger (1 charging unit, see figure 1).

Re claim 8, Martensson discloses an electrical apparatus wherein the apparatus is a charger (1 charging unit) and said electrical device is a mobile phone (see column 3 lines 26-29 and figure 1).

Re claim 9, Martensson discloses an electrical apparatus wherein the apparatus is a switched mode power converter (1 charging unit, converting power from the outlet to the battery power) and said electrical device is a mobile phone (see column 3 lines 26-29 and figure 1).

Re claim 10, Martensson discloses an electrical apparatus wherein the apparatus is an AC adapter (plugs into the outlet for power, see column 3 lines 26-30).

Re claim 12, Martensson discloses an electrical apparatus having a transformer carried in a housing and an electrical cable for coupling a transformer output to an electrical device with which the electrical apparatus is used, a method for retractably housing the electrical cable comprising the steps of:

providing a cover (16b for example);  
locating the cover on an outer surface (surface where the portion of the transformer is housed within the portion of casing 2, see column 3 lines 26-27) of the transformer housing to define an interior cavity (unnumbered, holding the circular drum 30) between the inner surface of the cover and the transformer housing outer surface; retractably housing the electrical cable (13) within the interior cavity when the electrical apparatus is not in use, and  
withdrawing a desired length of the electrical cable from the interior cavity for connection to the electrical device (see figures 1, 3 and 5 and column 3 lines 22-30).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2-5, 11 and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martensson in view of publication from the cableorganizer.com (provided by the applicant on IDS dated 11/28/03).

Re claim 2, Martensson substantially discloses an electrical apparatus as set forth in claim 1 above with a portion of the inner surface of the cover that is juxtaposed with the transformer housing outer surface defining a tower (30, circular drum) around which said electrical cable is manually retracted and wound (see figure 5). Martensson does not explicitly disclose that said cover is made of a resilient deformable

material having a shape retention memory wherein said cover is flipped up away from the transformer housing outer surface so that the inner surface of the cover faces outward and said cover being flipped down toward the transformer housing outer surface retaining the retracted electrical cable. However, the publication from the cableorganizer.com teaches of a cover (cable turtle with cover, unnumbered) that is made of a resilient deformable material having a shape retention memory (flips up and down retaining the general shape) wherein said cover is flipped up away from a lower portion so that the inner surface of the cover faces outward and said cover being flipped down toward the transformer housing outer surface retaining the retracted electrical cable (see figures on page 2). It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the cover of the cable turtle as taught by the publication from cableorganizer.com on the device of Martensson with the transformer housing in order to provide cable management.

Re claim 3, note that the device of the publication from cableorganizer.com teaches of flipping up the cover to manually pay-off a desired length of the electrical cable (see figures on page 2).

Re claim 4, Martensson substantially discloses an electrical apparatus as set forth in claim 1 above with a tower (30, circular drum) defined within the interior cavity (see figure 5). Martensson does not explicitly disclose a closeable opening defined along and between the peripheral lip of the cover and the transformer housing outer surface, through which the closeable opening of said electrical cable is manually retracted into the interior cavity and wound. However, the publication from the

cableorganizer.com teaches of a cover (cable turtle with cover, unnumbered) that forms a closeable opening (unnumbered between the cover and the bottom portion) defined along and between the peripheral lip of the cover and the lower portion, the closeable opening through which said electrical cable is manually retracted into the interior cavity and wound (see figure on page 2). It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the cover of the cable turtle as taught by the publication from cableorganizer.com on the device of Martensson with transformer housing in order to provide cable management.

Re claim 5, note that the device of the publication from cableorganizer.com teaches of the electrical cable passing through said closeable opening when manually uncoiled from said tower to pay-off a desired length of the electrical cable (see figure on page 2).

Re claim 11, Martensson substantially discloses an electrical apparatus comprising:

a housing (portion of casing 2) for carrying a transformer having an input and output (see column 3 lines 26-29);

an electrical plug (external pins 5a, 5b) integral with said housing for coupling an AC commercial voltage outlet to the transformer input;

an electrical cable (13) having one end coupled to a transformer output and an opposite end terminated in a suitable power plug (14) for coupling the transformer output to a desired electronic device (see column 3 lines 22-29);

an interior cavity (unnumbered, holding the circular drum 30) defined between the inner surface of the cover and the outer surface (surface where the portion of transformer is housed within the portion of casing 2, see column 3 lines 26-27) of the housing, said interior cavity further being defined by a continuous wall comprising an inner peripheral wall portion (unnumbered, inner or middle portion of the cover) and an outer peripheral wall portion (unnumbered, outer portion of the cover) spaced from the inner peripheral wall portion, said inner peripheral wall portion (unnumbered, inner or middle portion of the cover) juxtapositioned with the housing outer surface defining a tower (30 circular drum) around which said electrical cable is manually retracted and wound for storage within said interior cavity (see figures 3 and 5). Martensson does not explicitly disclose a cover made of a resilient deformable material having shape retention memory characteristics located integral with and on an outer surface of the housing. However, the publication from the cableorganizer.com teaches of a cover (cable turtle with cover, unnumbered) made of a resilient deformable material having shape retention memory characteristics (flips up and down retaining the general shape). It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the cover of the cable turtle as taught by the publication from cableorganizer.com on the device of Martensson and form integral cover (via the reel 10, reel plate 11 and spindle 32) on the outer surface of the housing (portion of casing 2) in order to provide cable management.

Re claim 13, Martensson substantially discloses the method as set forth in claim 12 above with steps of manually retracting and winding the electrical cable around a

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tower (30, circular drum) (see figure 5). Martensson does not explicitly disclose providing a cover made of a resilient deformable material having a shape retention memory; flipping the cover up away from the transformer housing outer surface whereby the inner surface of the cover faces outward and a portion of the outwardly facing inner surface juxtaposed with the transformer housing outer surface defines a tower; and flipping the cover down toward the transformer housing outer surface to retain the retracted electrical cable. However, the publication from the cableorganizer.com teaches of providing a cover (cable turtle with cover, unnumbered) that is made of a resilient deformable material having a shape retention memory (flips up and down retaining the general shape); flipping the cover up away from the transformer housing outer surface (see figures on page 2) whereby the inner surface of the cover faces outward and a portion of the outwardly facing inner surface is juxtaposed with the lower portion and defines a tower; and flipping the cover down to retain the retracted electrical cable. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the cover of the cable turtle as taught by the publication from cableorganizer.com on the device of Martensson with the transformer housing in order to provide cable management. Furthermore, it has been held that the functional "whereby" statement does not define any structure and accordingly can not serve to distinguish. *In re Mason*, 114 USPQ 127, 44 CCPA 937 (1957).

Re claim 14, Martensson substantially discloses the method as set forth in claim 12 above. Martensson does not explicitly disclose providing a closeable opening along

and between the peripheral lip of the cover and the transformer housing outer surface, and manually retracting into the interior cavity through the closeable opening. However, the publication from the cableorganizer.com teaches of a cover (cable turtle with cover, unnumbered) that forms a closeable opening (unnumbered between the cover and the bottom portion) defined along and between the peripheral lip of the cover and a lower portion, manually retracting into the interior cavity through the closeable opening. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the cover of the cable turtle as taught by the publication from cableorganizer.com on the device of Martensson with the transformer housing in order to provide cable management.

Re claim 15, note that the device of Martensson discloses the step of winding the electrical cable around a tower (circular drum 30) defined within the interior cavity (see figures 3 and 5).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jinhee J Lee whose telephone number is 571-272-1977. The examiner can normally be reached on M, T, Th and F at 6:30AM-5PM.

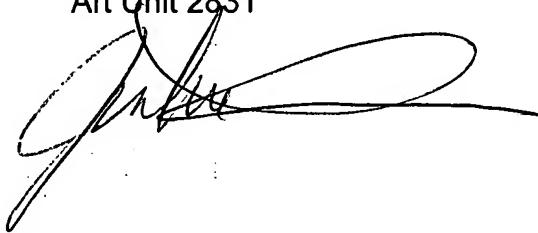
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean A Reichard can be reached on 571-272-2800 ext. 31. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jinhee J Lee  
Patent Examiner  
Art Unit 2831

jjl

A handwritten signature in black ink, appearing to read "Jinhee J Lee".